

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

JANET CLEARY and  
THOMAS CLEARY, h/w

v.

CIVIL ACTION NO.: 14-6448

L&L TRANSPORTATION CO.,  
LEONARD RIZZOLO,  
CRESTWOOD MIDSTREAM PARTNERS  
AND  
PAPCO, LLC

**STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO FRCP 41(a)(1)(A)(ii)**

AND NOW, this 15<sup>th</sup> day of Dec, 2014, it is hereby STIPULATED by and between Kevin P. O'Brien, Esquire counsel for Plaintiff and Gary S. Williams, Esquire counsel for Defendants, as follows:

1. Plaintiff has not previously dismissed any Federal or State Court Action based on, or including the same claim;
2. Gary S. Williams, Counsel for Defendants has notified Plaintiff that diversity of citizenship does not exist between the parties and the Federal Court lacks subject matter jurisdiction to adjudicate this dispute; and
3. Accordingly, the parties have stipulated to dismiss the instant action, without prejudice, with leave granted for Plaintiff to refile the instant action in State Court.



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